IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 96 OF 1989

The Commissioner of Income-tax,
Bombay City-III, Bombay. ...Applicant
V/s.
M/s.Kiran X-Rays Screens Pvt.Ltd. ...Respondent

Mr.Ashok Kotangle for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.

DATED : JULY 5, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following questions of law for the opinion of this Court :-

> "1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee is entitled to investment allowance under section 32A of the I.T. Act, in respect of technical know-how fees?"

. For the reasons recorded by us in our Judgment dated 1st July, 2005, passed in Income Tax Reference No.397 of 1988 **(C.I.T. Vs. M/s.Pithwa Engg.Works)**, wherein we have relied upon decision of this Court in the case of **C.I.T. vs. Camco Colour Co. (2002) 254 ITR 565**, we do not think it necessary to answer the reference made to this Court for the Assessment Year 1978-79 having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**